



condition. You waived your right to consult with counsel and elected to submit a written statement for consideration by the separation authority. The separation authority directed your administrative discharge from the Navy with an Honorable characterization of service and a reentry code of RE-4. On 8 June 2005, you were so discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your reentry code and contention that your reenlistment code does not allow you to enroll for the Strategic Sealift Midshipman Program at the █ Maritime Academy. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concluded that your assigned reentry code remains appropriate. The Board noted that applicable regulations authorize an assignment of a reentry code of RE-4 when a service member fails to meet physical or medical standards. Further, as you correctly pointed out in your application, there was no procedural defect, impropriety, or inequity in your assignment of an RE-4 reentry code since it was appropriately assigned in accordance with authorized regulatory guidance. Finally, absent a material error or injustice, the Board declined to summarily change a reentry code solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

While the Board carefully considered the evidence you submitted in mitigation and commends you on your recent sobriety, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

8/2/2024

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